IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 157 OF 2007

IN

ARBITRATION APPLICATION NO. 174 OF 2006

V.A. Shetty & Shetty .. Applicant

V/s

Shree Mangirish Co-op. Housing Society Ltd. .. Respondents

Mr.A.S. Karwande for the Applicant.

Mr.R.V. Govilkar with Mr.Milind More for the Respondents.

CORAM : H.L. GOKHALE, ACG. CJ.

DATE : 23RD FEBRUARY 2007

P.C. :

1. Heard the counsel for the parties.

2. This motion is taken out by the Applicant - contractor in furtherance to the order passed by Marlapalle J. on 3rd March 2006 in Arbitration Application No.174 of 2005. The learned Judge has directed the parties to appoint their Arbitrators. The Applicant has appointed Mr.Purandare, a retired Judge of the Bombay City Civil Court as its representative. The

Society has not appointed its representative. On instructions, Mr.Govilkar states that one Mr.S.R. Paradkar, an Architect, will be the representative of the Society. This panel of Mr.Purandare and Mr.Paradkar will decide the dispute between the parties as directed in the earlier order.

3. Mr.S.N. Ghaware, representative of the Applicant and Mr.A.K. Naik, Chairman of the Society are present in Court. Both of them agree that in the event there is any difference between these two Arbitrators, an Umpire be appointed. They request that an architect from the panel of architects be appointed as an Umpire. Accordingly, Mr.Nadkarni of M/s Nadkarni & Associates, Architects from the Panel of Architects, will function as an Umpire in the event of any such situation arises. The parties will inform M/s Nadkarni & Associates accordingly.

3. The first meeting before the joint Arbitrators will be held on 12th March 2007.

Notice of motion disposed of.

ACTING CHIEF JUSTICE